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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,670	03/11/2004	Hsin-Chen Tsai	TS02-1054	6315

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STEPHEN B. ACKERMAN
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER

VON BUHR, MARIA N

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,670

Applicant(s)

TSAI, HSIN-CHEN

Examiner

Maria N. Von Buhr

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004 and 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04292004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-39 are pending in this application.
2. Examiner acknowledges receipt of Applicant's information disclosure statement, received 29 April 2004, with accompanying reference copies, which have been taken into consideration for this Office action.
3. The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which Applicant regards as his invention.

4. Claims 1-39 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.
 - a. In claim 1, there is no clear and proper antecedent basis for "said product lot" nor "the product lot" (lines 18-20), since a plurality have previously been provided for. Also, lines 15-17 are grammatically awkward, while -- lot -- should be inserted after "product" (last line of the claim).
 - b. In claim 2, there is no clear and proper antecedent basis for "said previous product."
 - c. In claim 3, the step presented at lines 3-4 is redundant to the steps presented in parent claim 1. Also, -- processing -- should be inserted after "completion of" (last 2 lines of the claim).
 - d. In claim 4, there is no clear and proper antecedent basis for "said product lot." In addition, -- equipment -- should be inserted after "processing" (line 4, first occurrence).
 - e. In claim 5, either the dependency of the claim should be changed to claim 4, or there is no antecedent basis for "the staging location." Also, there is no clear and proper antecedent basis for "said product lot," while -- equipment -- should be inserted after "processing" (line 7, first occurrence).
 - f. In claims 8, 16, 24 and 32, similar ambiguities exist as were presented above, with regard to claim 1. Further in claim 16, lines 17-20 are grammatically awkward. Further in claim 32, the preamble is grammatically awkward.

- g. In claims 9, 17, 25 and 33, similar ambiguities exist as were presented above, with regard to claim 2.
- h. In claims 10, 18, 26 and 34, similar ambiguities exist as were presented above, with regard to claim 3. Further in claim 18, the punctuation at line 6 is erroneous.
- i. In claims 11, 19, 27 and 35, similar ambiguities exist as were presented above, with regard to claim 4.
- j. In claims 12, 20, 28 and 36, similar ambiguities exist as were presented above, with regard to claim 5.
- k. In claims 14, 22, 30 and 38, -- the -- or -- said -- should be inserted before "operations."
- l. In claim 21 and 22, -- the -- or -- said -- should be inserted before "means" (line 1).
- m. Claim 29 is grammatically awkward.
- n. The remainder of the claims are rejected as necessarily incorporating the above-noted ambiguities of their parent claims.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by Applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by Applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-39 are rejected under 35 U.S.C. §102(e) as being clearly anticipated by Fromherz et al. (U.S. Patent Application Publication No. 2004/0225394), which discloses "an automated manufacturing system having a number of modules with numerous alternative capabilities, a computer-controlled system provides for configuration-specific reprioritization of jobs. The computer-controlled system includes at least one system controller for planning and scheduling utilization of selected module capabilities in the production of jobs having not less than one work unit. Module capabilities include the relative costs of the

module capabilities" (the abstract), wherein a rescheduling of jobs variably occurs based upon the priority of current and previous production lots, as instantly claimed, including "staging" of interrupted lots, by providing for resumption of processing of interrupted lots (see at least, Figures 2 and 3; paragraphs 4-7, 13, 14, 18, 19 and 24-26).

7. Claims 1-39 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Kashiya et al. (U.S. Patent No. 6,400,999), which discloses a "production system wherein product agents are provided for products on a one-to-one basis and machine agent are provided for manufacturing equipment on a one-to-one basis, with the product agents and machine agents coordinating with each other to select a manufacturing equipment and cause manufacturing work to be done thereby; wherein the order of product manufacturing is changed depending on the priority of the product in the production system" (the abstract), wherein production lots are rescheduled based upon priority, as instantly claimed, including "staging" of interrupted lots, by storing relevant data pertaining to the processed lot, in order to allow for resumption of lot processing (see at least, Figs. 14-15, with associated text).

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Applicant is advised to carefully review the cited art, as evidence of the state of the art, in preparation for responding to this Office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria N. Von Buhr whose telephone number is 571-272-3755. The examiner can normally be reached on M-F (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Maria N. Von Buhr
Primary Patent Examiner
Art Unit 2125